



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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September 17, 2002

CERTIFIED RETURN RECEIPT
7099 3400 0016 8895 4937

Mr. Wes Hansen
Quality Building Stone
8809 South 700 West
Sandy, Utah 84070

Re: Notice of Non-Compliance, Quality Building Stone, Martin Quarry, S/007/037 (Unpermitted), Carbon County, Utah

Dear Mr. Hansen:

This letter provides formal notice that mining operations at the Martin Quarry, located in Section 14, Township 13 South, Range 9 East SLBM, Carbon County, Utah, have been conducted in violation of the Utah Mined Land Reclamation Act, 40-8-1 et. seq. (Act) and the Minerals Reclamation Program Rules, sections R647-1 through R647-5.

A site inspection was performed on August 16, 2002, which confirmed that unpermitted mining operations have been conducted on this site. A copy of the inspection report is attached to this notice. Although you may have received approval from the Bureau of Land Management, no notice of intention to commence operations has been submitted to the Utah Division of Oil, Gas and Mining.

Findings of Non-Compliance

Quality Building Stone has commenced mining operations prior to filing a Notice of Intention to Commence Small Mining Operations, as required under section 40-8-7(1)(g) of the Utah Mined Land Reclamation Act and by Administrative Rule R647-3-101.1.

Location of Non-Compliance

Disturbances associated with Quality Building Stone's Martin Quarry are located in the NE 1/4 of Section 14, Township 13 South, Range 9 East SLBM, Carbon County, Utah.

Mitigation Requirements:

1. Quality Building Stone must file a Notice of Intention to Commence Small Mining Operations (Form MR-SMO) within 14 days of your receipt of this letter. The Division cannot authorize

operations to continue at this site until archaeological clearances have been obtained or confirmed.

Penalties for Failure to Comply

1. If Quality Building Stone does not resolve this Notice of Non-compliance within the timeframe set forth in this letter, the Division will prepare a formal Notice of Agency Action. This enforcement action could require the operator to appear at an informal hearing before the Division Director, or a formal hearing before the Board of Oil, Gas and Mining. Following public notice and formal hearing, the Board may issue an abatement or compliance Order.
2. The Board may also ask the County prosecutor or attorney general to bring suit against the operator to enforce its Orders and to seek assessment of appropriate penalties, not to exceed \$10,000 for each knowing or willful violation of the Act.

If you wish to contest this Notice of Non-Compliance, you may contact the Division to schedule an informal meeting with the Associate Director of Mining and members of the Minerals Program staff. Please contact Vickie Southwick, Executive Secretary, at (801) 538-5304, within 10 days of your receipt of this notice, if you choose to appeal this Notice and arrange an informal meeting.

If you have any questions regarding the requirements of this letter, please contact me at (801) 538-5286, or Paul Baker at 801-538-5261. Thank you for your immediate attention to this matter.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb
Attachments: inspection report, Minerals rules & Form MR-SMO
cc: Dean Nyffeler, BLM
Mary Ann Wright, Associate Director
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